

AO 91 (Rev 8/01) Criminal Complaint

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Henrique Antonio Ortmyer

## CRIMINAL COMPLAINT

Case Number: M-18-2404-M

IAE YOB: 1994

Brazil

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about November 23, 2018 in Starr County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Brazil in pursuance of law, and thereafter was found near Roma, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Henrique Antonio Ortmyer was encountered by Border Patrol Agents near Roma, Texas on November 23, 2018. The investigating Agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on November 23, 2018 near Roma, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on December 11, 2017, through New York, New York. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On October 26, 2017, the Defendant was convicted of 8 USC 1326 Illegal Re-entry after previous deportation and was sentenced to time served.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on November 24, 2018.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

Sworn to before me and subscribed in my presence,

November 24, 2018 2:52pm

Juan F. Alanis, U.S. Magistrate Judge  
Name and Title of Judicial Officer

/s/ Renato Benavides

Signature of Complainant

Renatto Benavides

Senior Patrol Agent

Signature of Judicial Officer